

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEPHANIE OVERTON,

Plaintiff,

-against-

ART FINANCE PARTNERS LLC, AF FUNDING
LLC, KNICKERBOCKER FUNDING LLC, ART
INVESTMENT FUND LLC, CERULEAN ART LLC,
and ANDREW ROSE,

Defendants.

CASE NO. 15-CV-3927 (SAS)

ECF CASE

**DECLARATION
OF JOHN R. CAHILL**

JOHN R. CAHILL declares under penalty of perjury:

1. I am a member of Cahill Partners LLP, attorneys for plaintiff Stephanie Overton (“Overton” or “Plaintiff”). I make this declaration in support of Overton’s motion for summary judgment.
2. Attached to this Declaration as **Exhibit C** (stamped C1-15) is a true and accurate copy of the excerpts from the deposition transcript of Andrew Rose.
3. Attached to this Declaration as **Exhibit D** (stamped D1-15) is a true and accurate copy of further excerpts from the deposition transcript of Andrew Rose.
4. Attached to this Declaration as **Exhibit E** (stamped E1-9) is a true and accurate copy of the further excerpts from the deposition transcript of Andrew Rose.
5. Attached to this Declaration as **Exhibit F** (stamped F1-12) is a true and accurate copy of a compilation of documents concerning the Wesselmann Work, Dufy Work, and Moore Work (as defined in the Local Rule 56.1 Statement).

6. Attached to this Declaration as **Exhibit G** (stamped G1-15) is a true and accurate copy of a compilation of documents evidencing the Rose Defendants' (as defined in the Local Rule 56.1 Statement) actions as art merchants.

7. Attached to this Declaration as **Exhibit H** (stamped H1-15) is a true and accurate copy of a compilation of documents concerning the Rose Defendants' knowledge of Sammons's (as defined in the Local Rule 56.1 Statement) financial troubles.

8. Attached to this Declaration as **Exhibit I** (stamped I1-15) is a true and accurate copy of a compilation of documents concerning Sammons's legal troubles, which were either publicly available or otherwise known by the Rose Defendants.

9. Attached to this Declaration as **Exhibit J** (stamped J1-11) is a true and accurate copy of a compilation of documents concerning the evidence that Sammons was not the owner of the Works (as defined in the Local Rule 56.1 Statement) and lacked authority to sell the Works, which was either provided to the Rose Defendants or was easily ascertainable.

10. Attached to this Declaration as **Exhibit K** (stamped K1-9) is a true and accurate copy of a compilation of documents concerning the Sammons's failure or refusal to provide provenance documents evidencing ownership of the Works.

11. Attached to this Declaration as **Exhibit L** (stamped L1-15) is a true and accurate copy of a compilation of documents concerning the Chagall Work (as defined in the Local Rule 56.1 Statement).

12. Attached to this Declaration as **Exhibit M** (stamped M1-12) is a true and accurate copy of a compilation of documents concerning the Modigliani Work (as defined in the Local Rule 56.1 Statement).

13. Attached to this Declaration as **Exhibit N** (stamped N1-11) is a true and accurate copy of a compilation of documents concerning the Picasso Work (as defined in the Local Rule 56.1 Statement).

14. Attached to this Declaration as **Exhibit O** (stamped O1-13) is a true and accurate copy of a compilation of documents concerning the law enforcement investigation of Sammons and the Rose Defendants' knowledge of that investigation.

15. Attached to this Declaration as **Exhibit P** (stamped P1-13) is a true and accurate copy of a compilation of documents concerning the Rose Defendants acting as the alter ego of Andrew Rose.

16. Attached to this Declaration as **Exhibit Q** (stamped Q1-9) is a true and accurate copy of the excerpts from the deposition transcripts of David Tunick and excerpts from the Court Conference held on 2015-August-10.

17. Attached to this Declaration as **Exhibit R** (stamped R1-13) is a true and accurate copy of the Rose Defendants Interrogatory Responses and an email correspondence with the Rose Defendants' counsel.

18. Attached to this Declaration as **Exhibit S** (stamped S1-12) is a true and accurate copy of additional documents produced by the Rose Defendants concerning their knowledge that Sammons did not own the artworks he possessed and the Rose Defendants' efforts to sell those works.

19. Attached to this Declaration as **Exhibit T** (stamped T1-9) is a true and accurate copy of an Opinion on English law as it relates to Plaintiff's claims.

Dated: New York, New York
November 16, 2015



John R. Cahill